REMARKS

Upon entry of the present amendment, the claims will have been amended to clarify the features of Applicants' invention without narrowing the scope thereof. In this regard, Applicants submit that the amendments to the claims contained herein merely emphasize features of Applicants' invention with additional clarity but do not add new features and thus do not constitute a narrowing of the claimed invention. Accordingly, no prosecution history estoppel should attach thereto.

Initially, Applicants wish to respectfully thank the Examiner for acknowledging their claim for foreign priority under 35 U.S.C. § 119 as well as for confirming that a certified copy of the foreign priority document, on which the above-noted claim for foreign priority is based, has been received.

Additionally, Applicants respectfully thank the Examiner for considering the Information Disclosure Statement filed in the present application on March 9, 2004, by the return of the signed and initialed PTO-1449 Form attached to the above-noted Information Disclosure Statement.

In the outstanding Official Action, the Examiner rejected claims 28 and 29 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. By the present response, and without acquiescing in the propriety of the Examiner's rejection, Applicants have amended claims 28 and 29 to ensure that they are clearly directed to statutory subject matter and are thus not subject to rejection under 35 U.S.C. § 101.

In particular, each of claims 28 and 29 will have been amended to recite a computer readable medium that stores a program for instructing a microprocessor to execute a process. It is respectfully submitted that, as presently amended, claims 28 and 29 are in full compliance

with 35 U.S.C. § 101. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 28 and 29 under 35 U.S.C. § 101.

In the outstanding Official Action, the Examiner rejected claims 1-3, 5-7, 12, 13, 15-17, 21, 22 and 27-29 under 35 U.S.C. § 102(b) as being anticipated by HIRAYAMA (U.S. Patent No. 5,835,670). The Examiner additionally rejected claims 4, 14 and 20 under 35 U.S.C. § 103 as unpatentable over HIRAYAMA in view of TORAZAWA et al. (U.S. Patent No. 6,339,571). Claims 8-11 and 23-26 were rejected under 35 U.S.C. § 103 as unpatentable over HIRAYAMA in view of EIJI (Japanese Patent Document 05-182431). Finally, claims 18 and 19 were rejected under 35 U.S.C. § 103 as unpatentable over HIRAYAMA in view of COOKSON et al. (U.S. Patent No. 5,598,276).

Applicants respectfully traverse each of the above-noted rejections and submits that they are inappropriate with respect to the claims in the present application. Applicants further submit that the combination of features recited in each of Applicants' claims 1-29 are not taught, disclosed or rendered obvious by HIRAYAMA whether considered under 35 U.S.C. § 102 or even under 35 U.S.C. § 103, whether considered alone or whether considered in any proper combination with any of the secondary references relied upon by the Examiner.

Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections together with an indication of the allowability of all the claims pending herein, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

An aspect of Applicants' invention is defined by independent claims 1, 13, 16 and 18. Applicants note that these claims recite a method for playing back a record medium, a record medium storing at least a sequence of audio information, a playback device for playing back a

recorded medium and, as amended, a computer readable medium that stores a program. As a feature of each of the above-noted inventions, Applicants note that reproducing prescribed audio information stored in a particular storage area is required. In particular, the prescribed audio information is configured to inform a user of an end of each segment before the playback of a next segment is started. It is respectfully submitted that at least this feature, in the respective claimed combinations is not taught, disclosed or rendered obvious by HIRAYAMA relied upon by the Examiner with respect to each of these independent claims.

In addressing the prescribed audio information, the Examiner directed Applicants' attention to header H1, Fig. 6 and column 10, lines 40-49. However, Applicants respectfully submits that these sections of the HIRAYAMA reference do not support the Examiner's position and do not anticipate or even render unpatentable the combination of features recited in each of Applicants' independent claims 1, 13, 16 and 28.

In particular, Applicants note the header H1, is not followed by a data area but is immediately followed by header H2. Thus, H1 is merely data representing silence but is not audio information that can be reproduced. According to HIRAYAMA, "this means that the data corresponding to header H1 represents silence and when the reproduction apparatus reads header H1, it decodes time information and generates silence for that period of time". However, from this explanation, it is clear that the header H1 does not contain prescribed audio information. Moreover, with respect to the independent claims noted above, header H1 is not configured to inform a user of the end of each segment before the playback of a next segment is started.

Accordingly, at least for this reason it is respectfully submitted that HIRAYAMA is an inappropriate basis for the rejection of any of the claims in the present application.

In this regard, Applicants note that claim 1, for example, recites "reproducing prescribed audio information". The header H1 is not audio information that is capable of being reproduced. As explicitly set forth by HIRAYAMA when the reproduction apparatus of HIRAYAMA reads header H1, it decodes time information and generates silence based on the decoded time information. Thus, it clearly does not reproduce prescribed audio information stored in a particular storage area. As clearly stated in HIRAYAMA, H1 is not followed by a data area but is immediately followed by header H2. For this additional reason, it is respectfully submitted that claims 1, 13, 16 and 28 are clearly patentable over HIRAYAMA.

With respect to claim 5, Applicants submit that the present invention recites that the prescribed audio data can be reproduced and that the prescribed audio information is blank audio information for silence. However, HIRAYAMA also does not disclose this feature of Applicants' invention. HIRAYAMA does not contain audio information for silence but rather information that designates a period of silence. Thus, claim 5 is also submitted to be patentable over the disclosure of HIRAYAMA relied upon by the Examiner.

With respect to independent claims 7, 22 and 29, Applicants submit that HIRAYAMA is also deficient with respect to the recitations of these claims. In this regard, a further aspect of the present invention is defined by independent claims 7, 22 and 29, wherein displaying prescribed image information is required. In particular, the prescribed image information is configured to inform a user of an approaching end of the segment before the playback of the next segment is started.

It is respectfully submitted that this feature in the various claimed combinations is not taught, disclosed or rendered obvious by HIRAYAMA. In addressing this feature, the Examiner makes reference to column 10, lines 6-11. However, this portion of the HIRAYAMA disclosure

does not support the Examiner's position. The PTMB flag merely represents relative elapsed time from a program starting point as is explicitly set forth at column 10, lines 6 and 7. Accordingly, the PTMB flag is not image information as is recited in Applicants' claim 7, for example. Nor is there any disclosure in HIRAYAMA that the PTMB flag is configured to inform a user of an approaching end of a segment before the playback of the next segment is started. The flag merely represents time position information on the image data at the start of a data unit. The flag is used for time code searching rather than for informing a user of an approaching end of a segment before the playback of a next segment is started.

Accordingly, for each of the above-noted reasons and certainly for all the above-noted reasons, it is respectfully submitted that each of Applicants' claims 1-29 are clearly patentable over the HIRAYAMA reference relied upon by the Examiner. With respect to the various dependent claims rejected by the Examiner based on the HIRAYAMA reference under 35 U.S.C. § 103 or even the HIRAYAMA reference in combination with various other references, Applicants submit that the secondary references do not overcome the above-noted deficiencies and shortcomings of the HIRAYAMA reference.

Additionally, the various dependent claims are submitted to be patentable based on their own recitations as well as based upon the recitations of the respective independent claims from which they depend. Accordingly, each of Applicants' claims is submitted to be patentable over the prior art of record in the present application and an action to such effect is respectfully requested, in due course.

SUMMARY AND CONCLUSION

Upon entry of the present amendment, Applicants will have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the claims to clarify the features of the present invention without narrowing the scope of the claims. Applicants have additionally made amendments to claims 28 and 29 to ensure that these claims are in full compliance with 35 U.S.C. § 101.

Applicants have discussed the disclosure of the primary reference relied upon by the Examiner and, with respect to such disclosure, have pointed out the shortcomings of the reference with respect thereto. Applicants have additionally discussed the explicit recitations of Applicants' claims and, with respect to such claims, have noted the deficiency of the reference relied upon. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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